

# RECLAMATION

*Managing Water in the West*

## Categorical Exclusion Checklist

# Orland Unit Water Users' Association, Fodge, Cleek & Wackerman Annexation

**NCAO-CEC-14-17**

Prepared by:

*Jake Berens*

Jake Berens  
Water Conservation Specialist  
Northern California Area Office

Date:

*3/10/15*

Concurrence by:

See Attachment 1.

Patricia Rivera  
Native American Affairs Program Manager  
Mid-Pacific Regional Office

Date:

Dec 4, 2014

Concurrence by:

See Attachment 2.

Joanne Goodsell  
Archaeologist, Div. of Environ. Affairs  
Mid-Pacific Regional Office

Date:

March 6, 2015

Concurrence by:

*Paul Zedonis*

Paul Zedonis  
Natural Resource Specialist  
Northern California Area Office

Date:

*3/10/2015*

Approved by:

*Federico Barajas*

Federico Barajas  
Area Manager  
Northern California Area Office

Date:

*3/11/15*



U.S. Department of the Interior  
Bureau of Reclamation  
Mid Pacific Region

March 2015

## **Proposed Action**

Annexation of approximately 158.95 acres into the Orland Project Land Schedule (OPLS) for the water stored and/or diverted by the Orland Project facilities which are operated and maintained by the Orland Unit Water Users Association (Orland Unit).

The Orland Project was authorized for irrigation purposes only. In recent years the Orland area has seen significant growth in population resulting in the subdivision of lands for housing. Parcels less than 5 acres in size have been removed from irrigation service by Orland Unit resulting in approximately 300 acres being withdrawn from irrigation service since 1983. Orland Unit has taken out land that was deemed unsuitable for irrigation due to unproductive soils. Also, water right certificates were never issued for 852 acres. As lands were withdrawn from irrigation, other lands were added that were suitable for irrigation. Also, Orland Unit lost approximately 338 acres from the construction of the Tehama-Colusa Canal and Interstate 5.

In order to remain economically viable because of these various changes, Orland Unit chose to add more lands, most of which were located adjacent to the authorized OPLS. On February 11, 2009, the U.S. District Court for the Eastern District of California ordered to amend the OPLS by adding approximately 1,633.08 acres. The 2/11/09 Court order also outlined the formal process to annex and detach additional properties from the OPLS.

The proposed action will provide formal approval of changes in the OPLS, or authorized place of use, to include 54.78 acres of land owned by Francis and Theresa Fodge, 44.14 acres of land owned by Laurel Cleek, LLC, and 60.03 acres owned by Wackerman Dairy, INC. Locations of these project are shown in Figure 1.

The 54.78 acre Fodge property currently is being utilized as irrigated pasture. It lies adjacent to lands that are presently supplied irrigation water from Orland Project Lateral 214. The property to be annexed will continue to be utilized as irrigated pasture supplied with Orland Project water instead of groundwater. Mr. Fodge has indicated that no physical change to his property and conveyance system will occur as a result of this annexation request. The Fodge property proposed to be annexed comprises a portion of Glenn County Assessor's Parcel Number 024-140-010 and is located in Township 21 North, Range 3 West, Sections 5 and 6 (Figure 2). The approximate Lat/Long coordinates are 122°14'5.427"W, 39°42'37.992"N.

The 44.14 acre Laurel Cleek, LLC property is currently being dry farmed to forage crops and utilized for dry pasture. It lies adjacent to lands that are presently supplied irrigation water from Orland Project Lateral 210. Once able to receive irrigation water, the owner plans to plant the land to either walnuts or almonds. The landowner has indicated the engineer has not officially designed the irrigation plan. However, the proposed plan is to run a mainline south of the electric pumps with laterals as needed for solid set sprinklers. The mainline will be 30 inches deep and the lateral lines will be 24 inches deep. Also, it is likely a pipeline will need to be installed from Orland Unit's existing irrigation delivery system to these lands in order to provide water service. It is unclear at this time whether or not the pipeline will be underground or on the surface. The Laurel Cleek, LLC property proposed to be annexed is in portions of Glenn County Assessor's Parcel Numbers 027-220-001 and 027-270-001 and is located in Township 22 North,

Range 4 West, Section 11 (Figure 3). The approximate Lat/Long coordinates are 122°16'42.003"W, 39°46'18.411"N.

The 60.03 acre Wackerman Dairy, INC. property is currently being dry farmed to forage crops and utilized for dry pasture. It lies adjacent to lands that are presently supplied irrigation water from the Orland South Canal. Once able to receive irrigation water, the owner plans to plant the land to irrigated pasture. The landowner has indicated the irrigation plan has not been engineered. However, the proposed plan is to run a buried mainline from the Orland South Canal across the property directly adjacent to the canal, underneath Newville Road, and across property to the west of Newville Road. Then the two areas will have one buried lateral each that run perpendicular to the mainline (Figure 4). The actual sprinkler system utilized will be a portable irrigation pod system that is above ground and easily moved to the desired irrigation location with an all-terrain vehicle. The Wackerman Dairy, INC. property proposed to be annexed is in portions of Tehama County Assessor's Parcel Numbers 085-240-06 and 085-240-14 and is located in Township 23 North, Range 4 West, Sections 32 and 33 (Figure 4). The approximate Lat/Long coordinates are 122°19'35.774"W, 39°48'17.551"N.

The approval of these changes will not increase the OPLS beyond its maximum authorized area of 21,000 irrigated acres. There will be no change in the authorized purpose of use (irrigation) or in the way the Orland Project facilities are operated and maintained as a result of this action.

### Exclusion Categories

Bureau of Reclamation Categorical Exclusion - 516 DM 14.5, D(3): Administration and implementation of project repayment and water service contracts, including approval of organizational or other administrative changes in contracting entities brought about by inclusion or exclusion of lands in these contracts.

### Extraordinary Circumstances

Below is an evaluation of the extraordinary circumstances as required in 43 CFR 46.215.

1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3). No  Uncertain  Yes
2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E) and 43 CFR 46.215(c)). No  Uncertain  Yes
3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)). No  Uncertain  Yes
4. This action would have significant impacts on such natural resources and unique geographical characteristics as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime No  Uncertain  Yes

farmlands; wetlands (EO 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (43 CFR 46.215 (b)).

- |   |    |                                     |           |                          |     |                          |
|---|----|-------------------------------------|-----------|--------------------------|-----|--------------------------|
| 5. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)).   | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 6. This action would establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e)).  | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)).  | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 8. This action would have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation (LND 02-01; and 43 CFR 46.215 (g)).   | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 9. This action would have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species (43 CFR 46.215 (h)).                   | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 10. This action would violate a Federal, Tribal, State, or local law or requirement imposed for protection of the environment (43 CFR 46.215 (i)).  | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).  | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898; and 43 CFR 46.215 (j)).  | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 13. This action would limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007; 43 CFR 46.215 (k); and 512 DM 3). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 14. This action would contribute to the introduction, continued   | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |

existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act; EO 13112; and 43 CFR 46.215 (1)).

***NEPA Action Recommended***

CEC – This action is covered by the exclusion category and no extraordinary circumstances exist. The action is excluded from further documentation in an EA or EIS.

Further environmental review is required, and the following document should be prepared.

EA

EIS

**Environmental commitments, explanations, and/or remarks:**

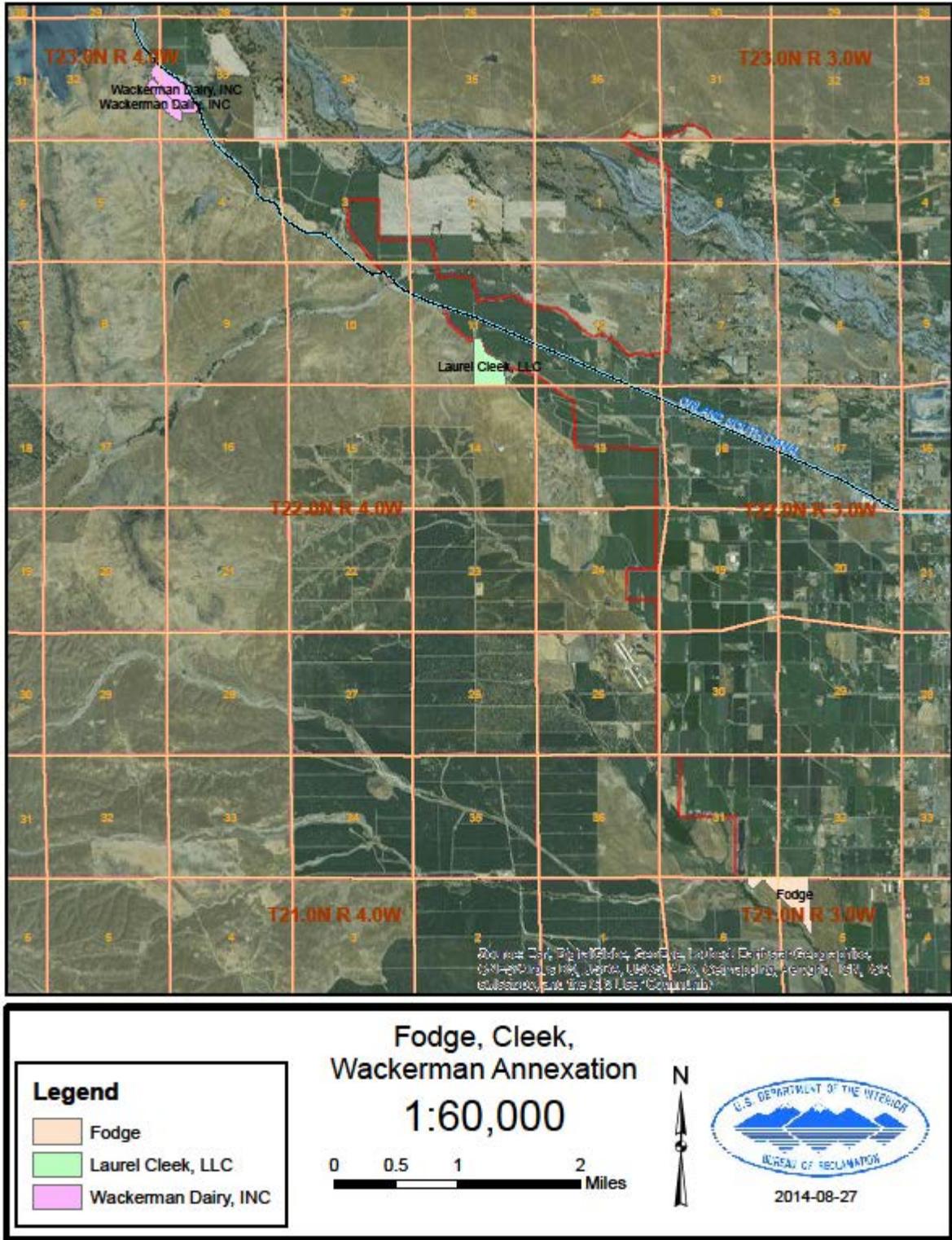


Figure 1. Land proposed for annexation

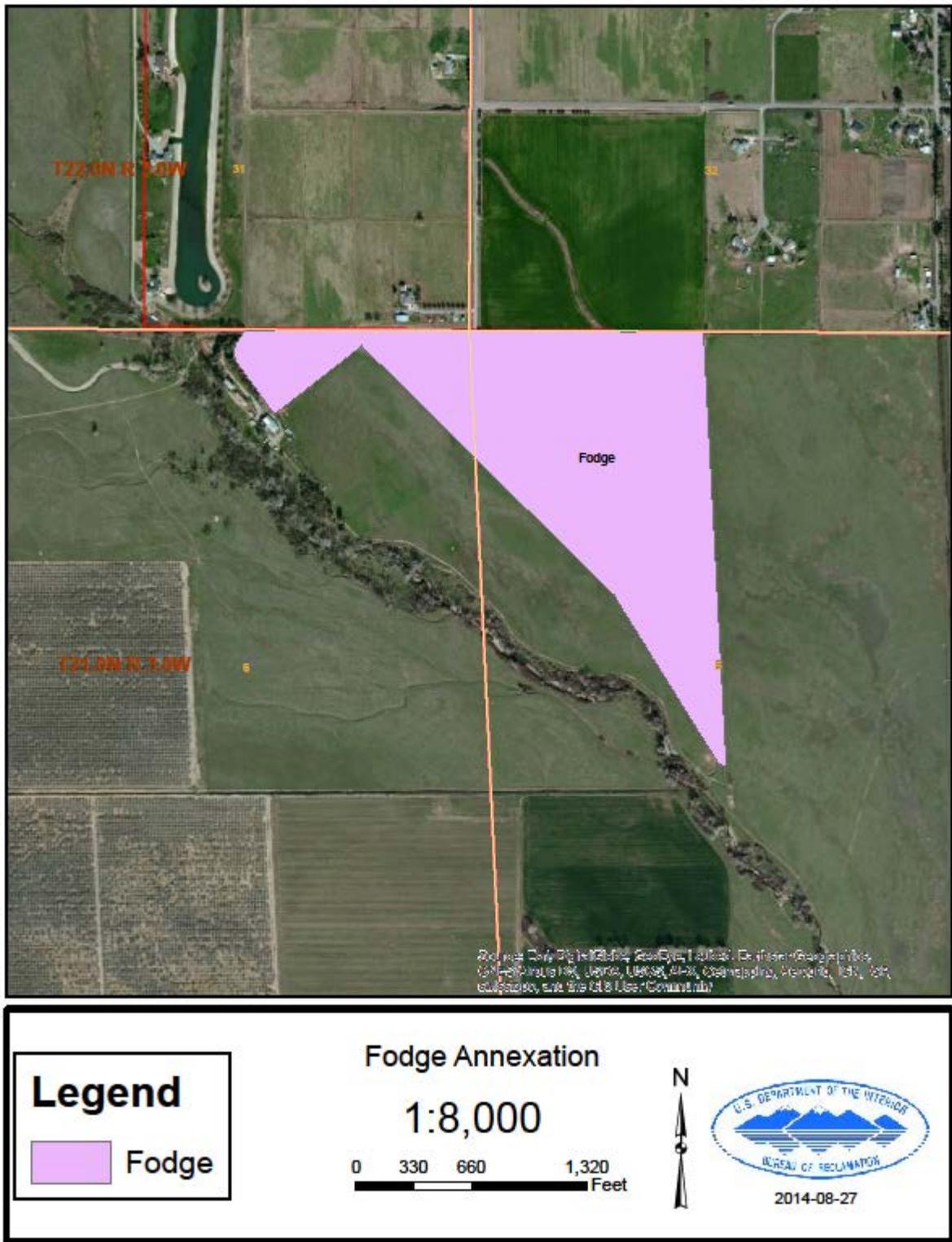


Figure 2. Fodge Property



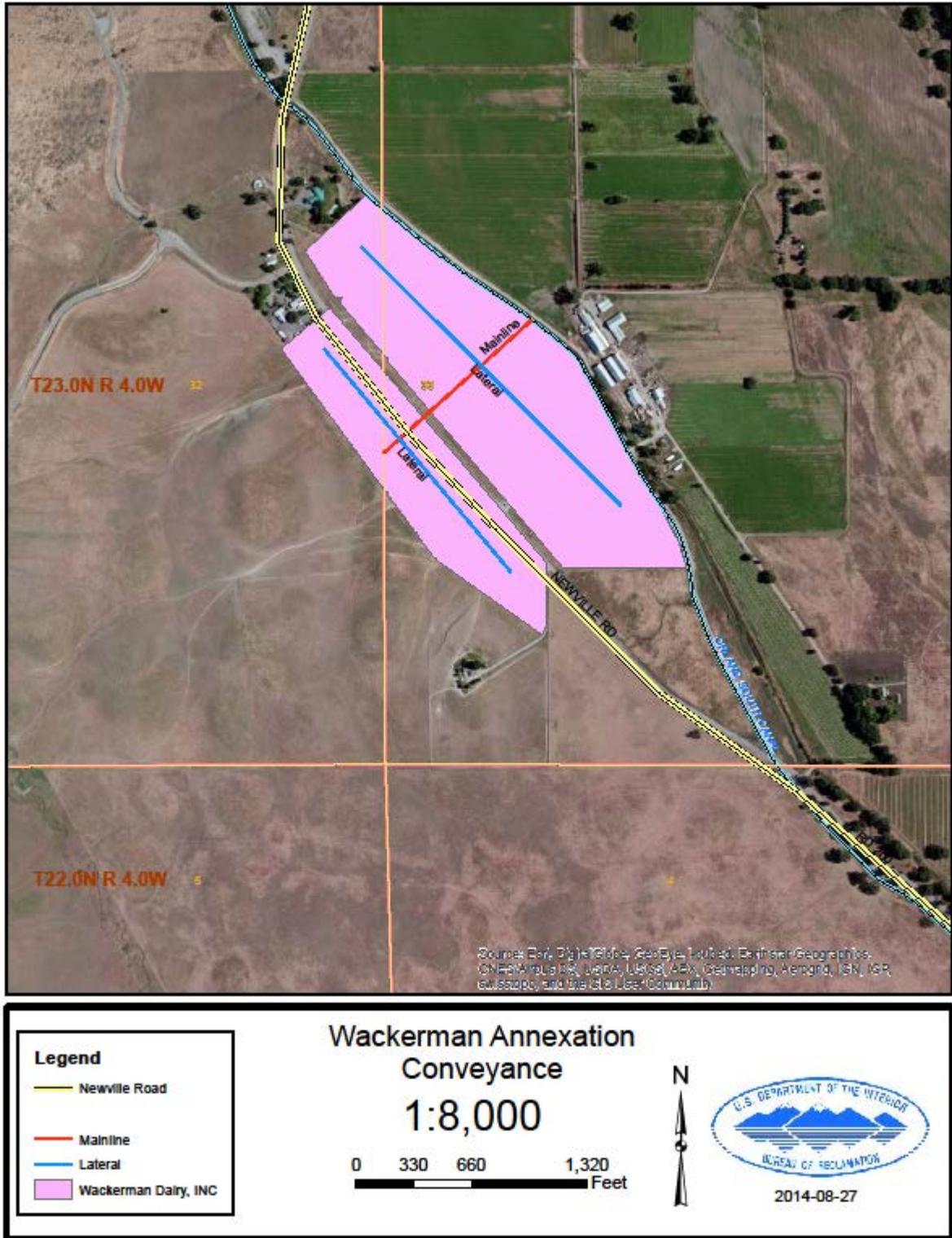


Figure 4. Wackerman Dairy, INC. Property and approximate pipeline placement.

**Attachment 1. ITA concurrence.**



Zedonis, Paul <pzedonis@usbr.gov>

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**CR and ITA Review: NCAO-CEC-14-17 Annexations**

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**RIVERA, PATRICIA** <privera@usbr.gov>  
To: "Zedonis, Paul" <pzedonis@usbr.gov>  
Cc: Kristi Seabrook <kseabrook@usbr.gov>, Mary Williams <marywilliams@usbr.gov>

Thu, Dec 4, 2014 at 4:32 PM

Paul.

I reviewed the proposed action described below and determined there are no impacts to Indian Trust Assets.

Annexation of approximately 158.95 acres into the Orland Project Land Schedule (OPLS) for the water stored and/or diverted by the Orland Project facilities which are operated and maintained by the Orland Unit Water Users Association (Orland Unit).

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Patricia Rivera  
Native American Affairs Program Manager  
US Bureau of Reclamation  
Mid-Pacific Region  
2800 Sacramento, California 95825  
(916) 978-5194

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Kristi please log in. No further action needed. Thanks

**Attachment 2. Cultural Resource review concurrence letter (page 1 of 2).**

**CULTURAL RESOURCES COMPLIANCE  
Mid-Pacific Region  
Division of Environmental Affairs  
Cultural Resources Branch (MP-153)**

**MP-153 Tracking Number:** 14-NCAO-277

**Project Name:** Orland Unit Water Users Association (Orland Unit) Land Annexation Request

**NEPA Document:** NCAO-CEC-14-17

**NEPA Contact:** Jake Berens, Water Conservation Specialist

**MP-153 Cultural Resources Reviewer:** Joanne Goodsell, Archaeologist *JG*

**Date:** March 6, 2015

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Reclamation proposes to approve the annexation of three parcels totaling approximately 158.95 acres into the Orland Project Land Schedule (OPLS). These parcels are identified in CEC-14-17 as the 54.78-acre Fodge property, the 44.14-acre Laurel Cleek, LLC property, and the 60.03-acre Wackerman Dairy, Inc. property.

The Fodge property is currently utilized as irrigated pasture. Annexation into the OPLS will result in no change in land use on the Fodge property and will not require or result in any physical changes to existing Orland Project water conveyance facilities. As such, Reclamation determined that the Fodge annexation constitutes a Federal undertaking that does not have the potential to affect historic properties, pursuant to 36 CFR § 800.3(a)(1), and requires no further review under Section 106 of the National Historic Preservation Act (NHPA).

The Laurel Cleek and Wackerman Dairy properties are currently dry farmed to forage crops. Annexation into the OPLS and a move from dry farming to irrigated agriculture will result in a change in land use. This change will necessitate future modifications to the existing Orland Project water conveyance system to facilitate the delivery of irrigation water to these parcels. Reclamation determined that the change in land use associated with the proposed annexation of the Laurel Cleek and Wackerman Dairy properties constitutes an undertaking with the potential to cause effects on historic properties, assuming such properties are present, requiring further review under and compliance with Section 106 of the NHPA.

Efforts to identify historic properties in the area of potential effects (APE) for the Laurel Cleek and Wackerman Dairy annexations were conducted and reported by a private consultant working on behalf of the Orland Unit. Appropriate Indian tribes were identified and contacted by Reclamation and invited to participate in the Section 106 process. No historic properties were identified in the APE through these identification efforts.

**Attachment 2 (page 2 of 2).**

Through correspondence dated January 26, 2015, and utilizing the reports prepared by the Orland Unit consultant, Reclamation initiated consultation with the State Historic Preservation Officer (SHPO) on a finding of no historic properties affected, pursuant to 36 CFR § 800.4(d)(1). The SHPO responded in a letter dated March 5, 2015. In that letter the SHPO indicated that the historic properties identification efforts conducted by the consultant were “sorely lacking” and problems with the resulting documentation were “too numerous” to list; however, given that any future physical changes to Orland Project facilities for delivery of water to the Laurel Cleek and Wackerman Dairy parcels will require further Section 106 review, the SHPO offered up and concurred with a finding of no adverse effect. This finding assumes National Register of Historic Places (National Register) eligibility for unevaluated built environment and unidentified cultural resources in the APE, for the current undertaking only. To facilitate the completion of the proposed annexations into the OPLS, Reclamation accepts this finding of effect.

With SHPO concurrence, Reclamation’s responsibilities under Section 106 of the NHPA have been fulfilled for the current undertaking. In accord with Item 8 on NCAO-CEC-14-17, the proposed action would have no significant impacts on properties listed, or eligible for listing, on the National Register.

This document conveys the completion of the NHPA Section 106 process and cultural resources review related to the proposed action. Please retain a copy in the administrative record. Any future modifications to Orland Project water conveyance features to facilitate water delivery to lands within the OPLS will require additional NHPA Section 106 review and consultation with the SHPO.